

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:00CV33

**ELSIE GODFREY, Individually and)
as Personal Representative of the)
Estate of Willie C. Godfrey; JAMES)
E. AMMONS; THOMAS M. ARD, and)
wife MYRNA F. ARD; WILLIAM H.)
BRADLEY, and wife CLYDEAN C.)
BRADLEY; RICHARD D. DAY, and)
wife DIANE M. DAY; CECIL F.)
FOSTER, and wife MATTIE D.)
FOSTER; HERBERT GIBSON, and)
wife KAY MARLOW GIBSON;)
HOMER M. GUFFEY, and)
wife IVA T. GUFFEY; HOWARD R.)
GUFFEY, and wife GAIL E. GUFFEY;)
JAMES CHARLIE HENLINE, and wife)
LOUISE W. HENLINE; JOHN F.)
HUMPHRIES; RONNIE L. INGLE, and)
wife CHRISTA M. INGLE; GARY)
LAVENDER; SYLVIA G. McCRARY,)
and husband JOHN McCRARY;)
EUNICE COLEEN MAUNEY, and)
husband LEON M. MAUNEY;)
NEVERT L. NATION, and wife DELLA)
B. NATION; ROY RAMSEY; LISA J.)
SPLAWN; NORMA R. STARNES,)
Individually and as Executrix of the)
Estate of Nick W. Starnes, Deceased;)
JOHN D. TEAGUE, and wife)
DOROTHY LEE PHILLIPS TEAGUE;)
THOMAS C. TIPTON; SARAH)
JACQUELYN BENNETT, Individually)
and as Personal Representative of)**

the Estate of James Bennett,)
 Deceased; WILLIAM S. BLACK, and)
 wife VICKI BLACK; BOBBY R.)
 HANCOCK, and wife ELNA FAY L.)
 HANCOCK; SHELBY HOWELL;)
 NORMAN H. HILL, and wife)
 CATHERINE C. HILL; EDGAR)
 EUGENE HOMAN, and wife VIRGINIA)
 LEVELL ROBERTS; RAY B. KETCHIE,))
 and wife PEGGY ELLER KETCHIE;)
 BILLY MERCER, and wife CAROL F.)
 MERCER; AGNES M. MIXER,)
 Individually and as Executrix of the)
 Estate of Carl M. Mixer, Deceased;)
 HARGET FRANKLIN MOORE, and)
 wife MAMIE ELIZABETH MOORE;)
 FELIX DONALD WRIGHT, and wife)
 BESSIE WRIGHT; JOHNNIE)
 BRATTEN, and wife KATHLEEN M.)
 BRATTEN; KENNETH BROMELOW;)
 RICHARD ALLEN, and wife)
 DEMENTRA KRISON ALLEN; ALLEN)
 S. DAVIS; DENNIS R. HICKS, and)
 wife PATRICIA J. HICKS; JOHN D.)
 HILTON, and wife BARBARA HILTON;))
 HAYWARD B. McATEER, and wife)
 JEANNETTE R. McATEER; LEE W.)
 McKEOWN, SR., and wife FRANKIE)
 J. McKEOWN; JON ANDREW)
 PARRISH; KELLY D. PURSLEY, and)
 wife SANDRA S. PURSLEY; ALBERT)
 C. SMITH, and wife SHIRLEY F.)
 SMITH; SARAH B. WALTERS, and)
 husband JAMES B. WALTERS;)
 JOHN K. GREENE, and wife BETTY)
 C. GREENE; LEWIS KOEHLER, and)
 wife PAMELA L. KOEHLER;)

EDWARD R. MILLS, and wife)
 SANDRA L. MILLS; HENRY A.)
 HOUGHTON, Administrator of the)
 Estate of Henry M. Houghton,)
 Deceased; and JOHN BRANNON)
 BRIGHT, Executor of the Estate of)
 Jimmy D. Hodge, Deceased;)

Plaintiffs,)

Vs.)

ORDER

AMCHEM PRODUCTS, INC.; CBS)
 CORPORATION; A. W. CHESTERTON,)
 INC.; CLEAVER BROOKS; CROWN)
 CORK & SEAL COMPANY, INC.;)
 FOSTER WHEELER CORPORATION;)
 GARLOCK, INC.; GENERAL)
 ELECTRIC COMPANY;)
 GEORGIA-PACIFIC CORPORATION;)
 METROPOLITAN LIFE INSURANCE)
 COMPANY; MINNESOTA MINING)
 AND MANUFACTURING COMPANY,)
 INC.; NATIONAL SERVICES)
 INDUSTRIES; OWENS-ILLINOIS,)
 INC.; and RAPID AMERICAN)
 CORPORATION,)

Defendants.)

THIS MATTER is before the Court on receipt of the parties' responses to the Court's December 15, 2006, Order.

In November 2005 the cases of Plaintiffs Jimmy and Nancy Hodge, Hayward and Jeannett McAteer, and Edward and Sandra Mills were scheduled for trial. Likewise, Plaintiffs Homer and Iva Guffey and Richard and Dementra Allen were scheduled for trial in October 2006. Before each trial term, Plaintiffs' counsel advised that the claims of these Plaintiffs were settled and no trial was necessary.

In response to the Court's December 15, 2006, Order, Plaintiffs' counsel advises that "releases, settlement funds and/or proposed motions to dismiss" have not been received from some of the Defendants involved with these Plaintiffs. **Plaintiffs' Response, filed December 22, 2006, at 3.** Additionally, Plaintiffs' counsel advises that the claims of all Plaintiffs have been settled as to Defendants Georgia Pacific Corporation, 3M Company, Owens-Illinois, Inc., CBS Corporation, and General Electric Company, but no "releases, settlement funds and/or proposed motions to dismiss" have been received from these Defendants to date. ***Id.* at 5.**

IT IS, THEREFORE, ORDERED that the Defendants listed above, as well as those sued by the Plaintiffs Hodge, McAteer, Mills, Guffey, and Allen, take immediate action to complete settlement of the claims herein on

or before 30 days from entry of this Order or these Defendants will be added to the trial calendar for the April 2007 term.

IT IS FURTHER ORDERED that Plaintiffs' counsel advise the Court after the 30-day period has expired of any remaining Plaintiffs whose claims remain unresolved as outlined herein so that the April 2007 trial calendar may be adjusted accordingly.

Signed: January 12, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

